



General Assembly

February Session, 2010

Raised Bill No. 5524

LCO No. 2376

02376_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING CRIMINAL RECORDS AND SENTENCE
REVIEW.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 54-142g of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2010*):

4 (e) "Nonconviction information" means (1) criminal history record
5 information that has been "erased" pursuant to section 54-142a; (2)
6 information relating to persons granted youthful offender status; (3)
7 continuances which are more than thirteen months old; and (4) records
8 of the Department of Correction relating to a person in a criminal case
9 who, on or after July 1, 2006, is found not guilty of the charge or the
10 charge is dismissed, upon the expiration of the time to file a writ of
11 error or take an appeal, if an appeal is not taken, or upon final
12 determination of the appeal sustaining a finding of not guilty or a
13 dismissal, if an appeal is taken. Nonconviction information does not
14 mean conviction information or current offender information.

15 Sec. 2. Subsection (d) of section 54-142k of the general statutes is

16 repealed and the following is substituted in lieu thereof (*Effective*
17 *October 1, 2010*):

18 (d) Nonconviction information shall be available to the subject of
19 the information and to the subject's attorney pursuant to this
20 subsection and subsection (e) of this section. Any person shall, upon
21 satisfactory proof of the person's identity, be entitled to inspect, for
22 purposes of verification and correction, any nonconviction information
23 relating to the person and upon the person's request shall be given a
24 computer printout or photocopy of such information for which a
25 reasonable fee may be charged, provided no erased record may be
26 released except as provided in subsection (f) of section 54-142a.
27 [Before] Except with respect to nonconviction information as defined
28 in subdivision (4) of subsection (e) of section 54-142g, as amended by
29 this act, before releasing any exact reproductions of nonconviction
30 information to the subject of the information, the agency holding such
31 information may remove all personal identifying information from
32 such reproductions.

33 Sec. 3. Section 54-142n of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2010*):

35 Nonconviction information, other than erased information and
36 nonconviction information as defined in subdivision (4) of subsection
37 (e) of section 54-142g, as amended by this act, may be disclosed only
38 to: (1) Criminal justice agencies in this and other states and the federal
39 government; (2) agencies and persons which require such information
40 to implement a statute or executive order that expressly refers to
41 criminal conduct; and (3) agencies or persons authorized by a court
42 order, statute or decisional law to receive criminal history record
43 information. Whenever a person or agency receiving a request for
44 nonconviction information is in doubt about the authority of the
45 requesting agency to receive such information, the request shall be
46 referred to the State Police Bureau of Investigation.

47 Sec. 4. Section 51-195 of the general statutes is repealed and the

48 following is substituted in lieu thereof (*Effective October 1, 2010*):

49 Any person sentenced on one or more counts of an information to a
 50 term of imprisonment for which the total sentence of all such counts
 51 amounts to confinement for three years or more, may, within thirty
 52 days from the date such sentence was imposed or if the offender
 53 received a suspended sentence with a maximum confinement of three
 54 years or more, within thirty days of revocation of such suspended
 55 sentence, except in any case in which a different sentence could not
 56 have been imposed, [or in any case in which the sentence or
 57 commitment imposed resulted from the court's acceptance of a plea
 58 agreement or in any case in which the sentence imposed was for a
 59 lesser term than was proposed in a plea agreement,] file with the clerk
 60 of the court for the judicial district in which the judgment was
 61 rendered an application for review of the sentence by the review
 62 division. Upon imposition of sentence or at the time of revocation of
 63 such suspended sentence, the clerk shall give written notice to the
 64 person sentenced of his right to make such a request. Such notice shall
 65 include a statement that review of the sentence may result in decrease
 66 or increase of the term within the limits fixed by law. A form for
 67 making such application shall accompany the notice. The clerk shall
 68 forthwith transmit such application to the review division and shall
 69 notify the judge who imposed the sentence. Such judge may transmit
 70 to the review division a statement of his reasons for imposing the
 71 sentence, and shall transmit such a statement within seven days if
 72 requested to do so by the review division. The filing of an application
 73 for review shall not stay the execution of the sentence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	54-142g(e)
Sec. 2	<i>October 1, 2010</i>	54-142k(d)
Sec. 3	<i>October 1, 2010</i>	54-142n
Sec. 4	<i>October 1, 2010</i>	51-195

Statement of Purpose:

To limit the disclosure of criminal records of certain inmates of the Department of Correction and allow defendants who pled guilty to an offense to seek sentence review.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]